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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY**

**CIVIL APPELLATE JURISDICTION**

**WRIT PETITION NO. 3071 OF 1996**

Dattaram Dhondu More ... Petitioner

V/s

M/s. Swan Mills Ltd. ... Respondent

Mr. H.D.Buch for Miss N.D.Buch for the petitioner.

Mr. Rajesh Gehani for Mr.V.P.Vaidya for the respondent.

**CORAM: SMT. NISHITA MHATRE, J.**

**DATED: 12TH SEPT., 2007.**

**P.C.**:

1. This petition challenges the award in Reference (IC) No. 26 of 1985. The award in Reference (IC) No. 90 of 1984 was challenged in Writ Petition No. 140 of 1997 which then led to Appeal No. 627 of 2000. This appeal has been decided on 21.8.2007 and the reference has been remanded for hearing and decision in accordance with law.

2. Both the learned advocates appearing in this petition agree that the judgment in Appeal No. 627 of 2000 will apply to the facts involved in the present

case. By consent, therefore, the award in Reference (IC) No. 26 of 1985 is set aside and the reference is remanded for fresh adjudication.

3. Hence, the following order is passed which is similar to the order passed on 21.8.2007 in Appeal No. 627 of 2000.

**O R D E R**

(i) The award dated 20.11.1995 passed in Reference (IC) No. 26 of 1985 by the Industrial Court is set aside.

(ii) Reference (IC) No. 26 of 1985 is remitted to the Industrial Court for hearing and decision in accordance with law.

(iii) All contentions that may be available to both the sides are kept open to be raised before the Industrial Court.

(iv) The Industrial Court shall hear the matter only after the workers individually file their affidavits claiming entitlement to prosecute the reference.

(v) Any benefits that may have been received by the workers pursuant to the award, which is set aside by this order, shall be taken into consideration by the Industrial Court while working out the benefits to which the workers may be entitled to according to the new award.

4. Writ petition disposed of accordingly.

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